

Andy Thornton

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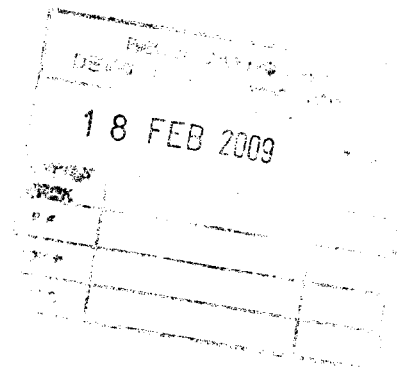
ROSE MOUNT

CA16/3/3/4

Permissive Path added in CHMS
as 11/P001

17 February 2009

Rachel Finney
Engineering Services
PROW Team
Northgate House
Northgate
Halifax HX1 1UN



Dear Rachel

Land at Upper Ainleys

I attach an original Statutory Declaration relating to permissive footpaths on land at Upper Ainleys Elland West Yorkshire.

Will you please acknowledge receipt of the document.

Yours sincerely

Andy Thornton

DATED

13th February

2009

STATUTORY DECLARATION

BY ANDREW THORNTON

Relating to permissive footpaths on land at Upper Ainleys, Elland, West Yorkshire

Whitfield Hallam Goodall
7 King Street
Mirfield
WF14 8AW

STATUTORY DECLARATION

Re Permissive Footpaths On Land At Upper Ainleys, Elland, West Yorkshire

I, **ANDREW THORNTON** of Throstle Nest, Warley Wood Lane, Luddendenfoot, Halifax HX2 6BW DO SOLEMNLY AND SINCERELY DECLARE as follows:

- 1) That I am a joint owner of land situate at Upper Ainleys, Elland West Yorkshire ('the Land') jointly with my wife KATRINA THORNTON, FREDERICK OWEN STANDBROOK of 56 Sunnybank Road Greetland Halifax HX4 8JP and JOHN BAGSHAW of 30 Longlands, Slaithwaite, Huddersfield, HD7 5DN (together all known as 'the Land Owners')
- 2) I attach hereto marked AT1 a plan showing edged in red the Land ('the Plan')
- 3) That I am duly authorised on behalf of the Land Owners to make this Declaration
- 4) That the footpaths coloured green on the Plan that run from point A and A+ to B to C to D and from point E to D to F have been designated as permissive footpaths since 1995 and the Land Owners intention is for these footpaths to continue to be permissive footpaths until such time as they may decide to make any change
- 5) The status of the said footpaths as permissive footpaths was confirmed in the Notices of Intention not to dedicate public rights of way registered with Calderdale Metropolitan Borough Council on 04 November 1995 pursuant to the Highway Act 1980 Section 31 (6) and The Wildlife and Countryside Act 1981 Section 53 (1). I attach hereto marked AT2 copy of my letter to Calderdale Metropolitan Borough Council dated 28 November 2008 confirming the Land Owners said intention
- 6) I confirm on behalf of the Land Owners the continued status of the said footpaths as permissive footpaths from 1995 until the present date

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835

Declared by the said Andrew Thornton
at Mirfield in the County of West Yorkshire
this 13th day of February 2009 before me


Commissioner for Oaths/Solicitor

JAMES MURTAGH
WHITFIELD
HALLAM & CO DALI
SOLICITORS
7 King Street
MIRFIELD WF14 8AW

This is the Exhibit marked "AT1" referred to in the Witness Statement of
Andrew Thornton sworn this 13th day of February / 2009 at
Mirfield, West Yorkshire.

Before me,



A Solicitor/~~Commissioner for Oaths~~

WHITEFIELD
HALLAM GOODALL
SOLICITORS
7 King Street
WHITEFIELD WF14 8AW

DRAWING No

AT

Ainleys Industrial Estate

Ainleys Industrial Estate

Ainley Bottom

Ainleys

Ainley Round Wood

Ainley Round Wood

Ainleys

REV DATE DESCRIPTION
METROPOLITAN
C A L D E
LAND OFF AINLEY
ESTATE - PUBLIC
OF WAY

SCALE:
1:2000

AT NOV 2008

M. S. BROCKIE, C.Eng, MICE
ACTING DIRECTOR OF TECHNICAL
NORTHGATE HOUSE, NORTHGATE
HALIFAX, HX1 1UN

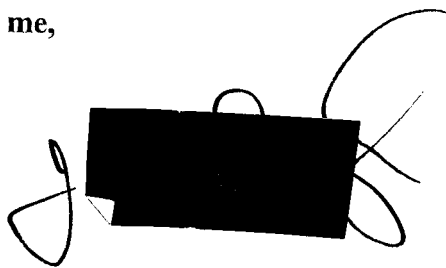
DRAWING No

— UPPER AINLEYS SITE BOUNDARY
— NON DEDICATED FOOTPATHS
— PUBLIC FOOTPATHS



This is the Exhibit marked "AT2" referred to in the Witness Statement of
Andrew Thornton sworn this 13th day of February 2009 at
Mirfield, West Yorkshire.

Before me,



A Solicitor/~~Commissioner for Oaths~~

WHITFIELD
HALLAM GOODALL
SOLICITORS
7 King Street
MIRFIELD WF14 8AW

Andy Thornton

[REDACTED] es.co.uk

AT2

15 January 2009

Engineering Services
PROW Team
Northgate House
Northgate
Halifax HX1 1UN

Dear PROW Team

Rosemount Estates owns the land outlined in red on the attached plan. We refer to the site as 'Upper Ainleys'. One of the conditions of the planning approval for industrial use was that we provide a footpath to link footpaths 24 and 25 which we did in 1992 prior to excavating the site. This footpath runs along the south side of the excavated part of our land from points E to D and then joins footpath 24 at point F. We dug out and stoned this footpath between points E & D (please see 2 photographs attached).

I tried until 1999 to make this a dedicated public right of way and wrote lots of letters and filled in lots of forms until I gave up in 1999 because it was getting very complicated and taking up too much of my time.

After we had completed the excavation we decided in 1995 to let the public walk across the excavated part of the site until such time as we could afford to develop it. I was advised by Calderdale Planning department that to prevent people claiming permanent rights of way across this site I should fill in a form that was a 'Notice of Intention not to dedicate public rights of way. Highways Act 1980 Section 31 (6).' (Copy attached).

I was then advised that to further safeguard my position I should close the footpaths for the third week in February every year which we have been doing. We also put up signs supplied by Jan Gibson that say 'Calderdale Countryside Service. This path is not a public right of way but walkers are normally allowed to use it by permission of the landowner'. We have replaced these signs on numerous occasions and I did so again this week when I was looking at the footpaths with Mr Thompson from your department.

I had been advised that the 'non dedication' form was only valid for 6 years and so I filled in another form in 1999 (copy attached).

The development of the site was not viable whilst tipping was going on at the adjoining landfill site and so it was put on hold. In this time of delay I forgot to renew the 'non dedication' form and only realised when I checked the file this week. I understand the standard form is no longer used and so I am writing to confirm that I do not want to dedicate the footpaths shown in green on the attached plan as public rights of way as directed by 31 (6) of the Highways Act 1980. For the avoidance of doubt the paths run from points A and A+ to B to C to D and from point E to D to F on the plan.

Yours sincerely

Andy Thornton

Ainleys Industrial Estate

Ainleys Industrial Estate

AINLEY BOTTOM

Ainleys

Ainley Round Wood

Ainley Round Wood

Ainleys

REV	DATE	DESCRIPTION
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METROPOLITAN COUNCIL		
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LAND OFF AINLEY ESTATE - PUBLIC OF WAY
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SCALE:

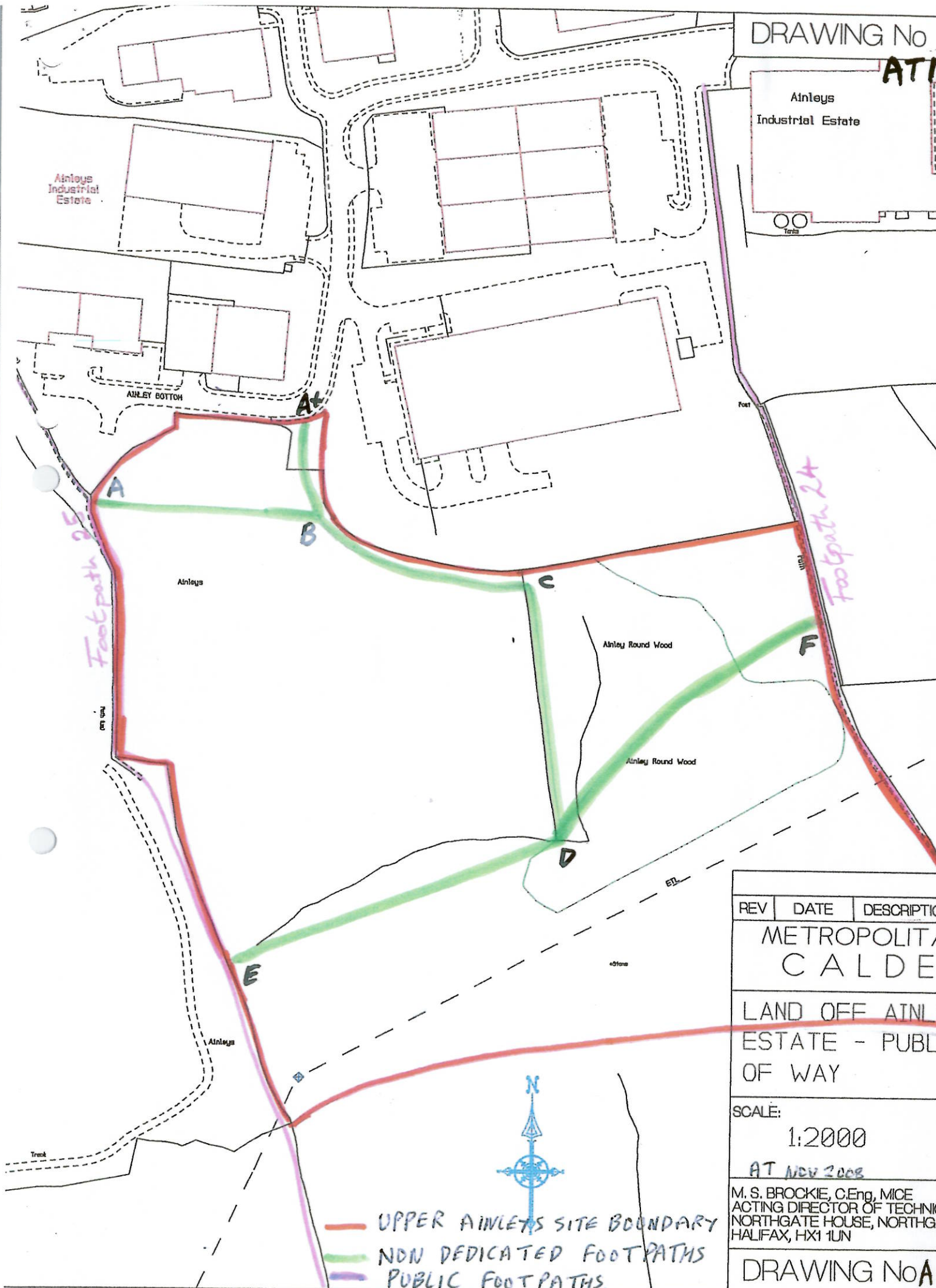
1:2000

AT NOV 2008

M. S. BROCKIE, C.Eng, MICE
ACTING DIRECTOR OF TECHNICAL
NORTHGATE HOUSE, NORTHGATE
HALIFAX, HX1 1UN

DRAWING NoA

- UPPER AINLEYS SITE BOUNDARY
- NON DEDICATED FOOTPATHS
- PUBLIC FOOTPATHS





FOOT PATH BETWEEN POINTS E AND D
1992



CALDERDALE METROPOLITAN BOROUGH COUNCIL

NOTICE OF INTENTION NOT TO DEDICATE PUBLIC RIGHTS OF WAY

HIGHWAYS ACT 1980 SECTION 31(6)

I/We, being the owner/s of land situated at

ADJOINING AINLEYS INDUSTRIAL ESTATE

being shown edged red on the attached plan:

- a) acknowledge the public footpath/s (shown purple) and/or the public
bridleway/s (shown green) as shown on the Definitive Map
- b) I/We declare that it is not my/our intention to dedicate any public
rights of way on or across the land

I/We understand that this notice is valid for six years and thereafter must be
served again to afford continuing protection to the land.

Signed:



Date:

4-11-95

NAME (BLOCK CAPITALS) ANDREW THORNTON

ADDRESS (BLOCK CAPITALS) AINLEYS INDUSTRIAL ESTATE
ELLAND, WEST YORKS
HX5 9JP

*This form gives us some protection by registering the land
in our ownership - renewable every*

Completed copy of form to be returned to:

The Borough Engineer
Northgate House
Northgate
HALIFAX
HX1 1UN

*6 years.
Prevents people claiming a
route after 20 years of usage*

Calderdale Metropolitan Borough Council

NOTICE OF INTENTION NOT TO DEDICATE PUBLIC RIGHTS OF WAY

Highways Act 1980 Section 31(6)

Wildlife & Countryside Act 1981 - Section 53(1)

☒ We, being the owner/s of land situated at

SOUTH OF AINLEYS INDUSTRIAL ESTATE, ELLAND.....

and shown edged red on the attached plan:

- (a) acknowledge any existing right(s) of way which cross the land and are shown on the Definitive Map and Statement of Public Rights of Way
- (b) declare that it is not my/our intention to dedicate any other public rights of way on or across the land.

I/We understand that this notice is valid for six years and thereafter must be served again to afford continuing protection to the land.

Signed:

Date:

10-5-99

NAME (BLOCK CAPITALS)

ANDREW THORNTON

ADDRESS (BLOCK CAPITALS)

THROSTLE NEST,

WARLEY WOOD LANE, LUDDEN DEN FOOT,

HALIFAX HX2 6BW

Completed copy of form to be returned to:

The Director of Technical Services
Metropolitan Borough of Calderdale
Northgate House
Northgate
HALIFAX HX1 1UN

